

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL B. WILLIAMS, JR.,)
Plaintiff,)
)
v.) C.A. No. 22-334 Erie
)
EDWARD SPAGEL, et al.,) District Judge Susan Paradise Baxter
Defendants.) Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Michael B. Williams, Jr., an inmate incarcerated at the State Correctional Institution at Mahanoy in Frackville, Pennsylvania, initiated this action on November 3, 2022, by filing a motion to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1], along with an attached *pro se* civil rights complaint [ECF No. 1-1]. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Because Plaintiff’s complaint contained a number of deficiencies identified by the Court, Judge Lanzillo issued an Order on March 23, 2023, requiring Plaintiff to file an amended complaint to correct the noted deficiencies on or before April 12, 2023 [ECF No. 10]. Plaintiff subsequently filed an amended complaint on April 10, 2023, which was not docketed until September 29, 2023 [ECF No. 17], after Plaintiff’s ifp motion was granted. The amended complaint names approximately 150 individuals as Defendants and includes numerous allegations that largely consist of broad legal conclusions that appear to assert a false arrest and

malicious prosecution claim arising from an arrest that took place in 2012, and an excessive force claim based on a prison incident that occurred in 2017.

With regard to his first claim, Plaintiff is primarily challenging the outcome of his 2012 criminal arrest and 2014 conviction, asserting allegations of fabricated police reports, perjured testimony, and misrepresentation of investigatory evidence relating to events that allegedly occurred on March 18, 2012, June 17, 2012, September 26, 2012, and January 6-17, 2014. Plaintiff acknowledges that these same allegations and claims were previously raised by him in a prior action before this Court, at Civil Action No. 1:15-cv-00304-SPB-RAL, which action was dismissed based on application of the doctrine of absolute prosecutorial immunity and the two-year statute of limitations, among other things.

As to his second, completely unrelated, claim, Plaintiff alleges that he was assaulted by several security guards at an unidentified prison on July 20, 2017, and that other Defendants covered up the assault by issuing him false misconducts. (ECF No. 17, at pp. 17-19).

On October 30, 2023, Chief Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that this action be dismissed as legally frivolous for failure to state a claim upon which relief may be granted, in accordance with 28 U.S.C. §1915(e), [ECF No. 21]. In particular, Judge Lanzillo found that Plaintiff’s claims are barred by the applicable two-year statute of limitations and/or the doctrine of *res judicata*. (*Id.*). Plaintiff has filed timely objections to the R&R, consisting of fifty-one (51) pages containing a continuous stream of largely incoherent allegations that appear to reiterate and/or support the bases of his claims; however, none of the matters raised by Plaintiff adequately address or overcome the grounds upon which the R&R’s recommendation is based.

Thus, after *de novo* review of the documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 12th day of December, 2023;

IT IS HEREBY ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued October 20, 2023 [ECF No. 21], is adopted as the opinion of the Court, and this action is DISMISSED as frivolous, pursuant to 28 U.S.C. § 1915(e), for failure to state a claim upon which relief may be granted. Moreover, because Plaintiff's claims are plainly barred by the applicable statute of limitations and/or the doctrine of *res judicata*, any attempt to amend such claims would be futile and, thus, dismissal of this action is with prejudice.

The Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge

all parties of record